

### **REMARKS/ARGUMENTS**

The above listed claim amendments along with the following remarks are fully responsive to the Office Action set forth above. Claims 1-26 are pending. Claims 1 and 20 have been amended. Claims 24 and 25 remain withdrawn.

The title was inadvertently amended incorrectly in the previous Amendment and is corrected herein.

#### **Allowable Subject Matter**

Claims 20-22 were indicated as allowable if rewritten in independent form including all of the limitations of claims from which they depend. Claim 1 has been amended to now include limitations corresponding to the limitations contained in allowable claim 20 and further includes positive recitation of the paint cup and parts to be cleaned.

For this reason all the claims presently pending in this application are allowable.

#### **Claim Rejections – 35 USC § 102, 103**

Claims 1-4, 6, 7, 9, 13-19 and 26 were rejected as anticipated by Amundsen, U.S. Patent 5,485,857.

Claims 1,7,8, 10-12, and 20 were rejected as anticipated by Lewis, U.S. Patent

Claim 5 was rejected as unpatentable over Amundsen in view of Hubert, U.S. Patent 3,194,444.

Each of these rejections has been overcome by the amendment to claim 1. In addition, a conforming amendment has been made to claim 20.

#### **Further Remarks and Argument**

In the event that the elected claims are now allowable, the examiner is authorized to cancel the withdrawn claims. In the event that the case is not fully allowable, applicant respectfully requests reconsideration and withdrawal of the finality of the Office Action. This withdrawal of the finality of the Office Action is proper under 37 C.F.R. 1.116(b) inasmuch as the amendment of claim 1 is necessary to respond to the newly cited art, and

was not earlier presented because the newly cited art was unknown to applicants prior to the outstanding Office Action.

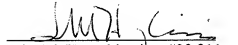
At page 7 of the Office Action a question was raised regarding applicants' use of "substantially all" in claim 1. It is believed necessary to use this terminology, since an "insubstantial" amount of fluid diverted could avoid infringement of a claim reciting that 100% of the fluid goes into the paint cup. This claim limitation was added to overcome the rejection in the previous Office Action based on Hubert, U.S. Patent 3,194,444. Applicants respectfully point out that the "substantial" terminology has long been used by the Court of Appeals for the Federal Circuit in patent practice, notably in reference to the Doctrine of Equivalents. A search of the USPTO database of patents issued since 1976 resulted in identifying over 70,000 patents with the word "substantial" in the claims. For these reasons "substantially all" is believed to be proper (and necessary) claim terminology.

### **Conclusion**

All pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

Respectfully Submitted,  
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